

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands	)	WT Docket No. 03-66 RM-10586
	)	
Part 1 of the Commission's Rules - Further Competitive Bidding Procedures	)	WT Docket No. 03-67
	)	
Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions	)	MM Docket No. 97-217
	)	
Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico	)	WT Docket No. 02-68 RM-9718
	)	
Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets	)	WT Docket No. 00-230

To: The Commission

Consolidated Opposition to Petitions for Reconsideration

The School Board of Miami-Dade County, Florida ("MDCPS") opposes the petitions for reconsideration filed by NY3G Partnership ("NY3G") and NextWave Broadband Inc. ("NextWave") on July 19, 2006. Therein petitioners seek to revisit the Commission's

determinations concerning grandfathered F Channel EBS stations adopted in the Order released April 27, 2006 in the above-captioned proceeding.<sup>1</sup>

MDCPS submits that NY3G's and NextWave's petitions do not present any arguments or facts which could not have been advanced at an earlier time in this proceeding. Neither party has made the showing required by Rule 1.429(b) to justify consideration of new facts on reconsideration.

Moreover, much of the argument presented by NY3G and NextWave is a reargument of matters previously argued to the Commission. It's well established that reconsideration is not granted merely for debating matters on which the Commission has once deliberated and spoken. See Clark County School District, 19 FCC Rcd. 20169, 20173 (2004).

NextWave's and NY3G's petitions needlessly inject additional uncertainty into negotiations between educators and commercial operators seeking to resolve F Group issues. There is no public interest justification which warrants further modification of the procedures adopted in the Order for apportioning service areas among F group licensees..

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<sup>1</sup> See In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order, FCC 06-46 (2006) ("Order").

In view of the foregoing, MDCPS asks that the petitions for reconsideration filed by NY3G and NextWave be dismissed or denied.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Joseph A. Belisle". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

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**CERTIFICATE OF SERVICE**

I, Kenneth R. Pitter, Sr. hereby certify that a copy of the Consolidated Opposition to Petitions for Reconsideration sent by U.S. mail, as indicated, this 11<sup>th</sup> day of August, 2006 to:

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Kenneth R. Pitter, Sr.

Via U.S. mail